

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3049 of 2016

Dated 03.02.2016

Between:

M.Buchi Venkatramaiah Chowdary

... Petitioner

and

-
The State of Andhra Pradesh,
represented by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Hyderabad, and others

...Respondents

Counsel for the petitioner: Mr.B.V.Rama Rao

Counsel for respondent Nos.1, 3 and 4: Assistant Government
Pleader

for Panchayat Raj and Rural Development (AP)

Counsel for respondent No.2: Assistant Government Pleader
for Revenue (AP)

Counsel for respondent Nos.5 to 7:--

The Court made the following:--

-
ORDER:

The grievance of the petitioner is that despite a memo, dated 06.12.2015, issued by respondent No.3 in pursuance of the order, dated 03.03.2015, passed by the Hon'ble Upalokayukta on his complaint No.1963/2014/B2, the official respondents have not been taking any action for removal of the alleged illegal constructions by respondent Nos.6 and 7.

From the pleadings of the petitioner and the material filed in support thereof, it is clear that he has already approached the Hon'ble Upalokayukta, who on examination of his grievance, has closed his complaint, by recording a finding that respondent Nos.3 to 5 have taken appropriate action, while directing respondent No.3 to take necessary action if the complaint of the petitioner that respondent

Nos.6 and 7 have raised fresh constructions in deviation of the sanctioned plans is true. Evidently, on the purported compliance of the aforesaid direction, respondent No.3 has issued memo, dated 06.12.2015, directing respondent No.5 to take appropriate action for removal of the alleged illegal constructions by respondent Nos.6 and 7. Feeling aggrieved by the inaction of respondent No.5 in carrying out the direction of respondent No.3, this writ petition is filed by the petitioner.

In my opinion, having already invoked the jurisdiction of the institution of Hon'ble Upalokayukta, I do not find any reason for the petitioner to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Since the Hon'ble Upalokayukta has dealt with the case earlier, it is appropriate that the petitioner approaches the said institution, if any of the directions given by it are not carried out in their letter and spirit. In this view of the matter, while declining to entertain this writ petition, the petitioner is relegated to the remedy before the institution of Hon'ble Upalokayukta.

Accordingly, the Writ Petition is dismissed, with liberty to the petitioner, as indicated above.

As a sequel to dismissal of the writ petition, W.P.M.P.No.3861 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

03rd February, 2016
GHN